

Message Text

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17

ACTION EB-07

INFO OCT-01 EA-07 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

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FM AMEMBASSY WELLINGTON

TO SECSTATE WASHDC 1239

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E.O. 11652: N/A

TAGS: EAIR, NZ

SUBJ: CIVAIR: NEW INTERNATIONAL AIR SERVICE LICENSE FOR PAN
AMERICAN

REF: (A) WELLINGTON A-36, (B) WELLINGTON 0782

1. E/C COUNSELOR ON APRIL 13 RECEIVED FROM THE SECRETARY FOR
TRANSPORT, A.J. EDWARDS, A COPY OF THE LETTER DATED APRIL
9 TO THE PAN AM MANAGING DIRECTOR FOR NEW ZEALAND, DAVID
MORGAN, WHICH FORWARDS PAN AMERICAN'S NEW INTERNATIONAL AIR
SERVICE LICENSE. THE TEXT OF THE LETTER FOLLOWS:

"PLEASE FIND ENCLOSED A COPY OF PAN AMERICAN'S
INTERNATIONAL AIR SERVICE LICENSE WHICH HAS BEEN RENEWED
BY THE MINISTER OF CIVIL AVIATION IN ACCORDANCE WITH THE
INTERNATIONAL AIR SERVICES LICENSING ACT 1947. UNDER THAT
ACT ALL INTERNATIONAL AIR SERVICE LICENSES AUTOMATICALLY
EXPIRE TWO YEARS AFTER THEIR DATE OF ISSUE. LEGISLATION HAS
BEEN PREPARED WHICH PROVIDES FOR THE ISSUE OF CONTINUOUS
LICENSES BUT UNTIL THIS CHANGE BECOMES LAW PAN AMERICAN'S
LICENSE MUST CONTINUE TO BE RENEWED. WE ARE HOPEFUL THAT
LEGISLATION COVERING THIS CHANGE WILL BE INTRODUCED
TO THE HOUSE OF REPRESENTATIVES THIS YEAR.

"IN RENEWING PAN AMERICAN'S INTERNATIONAL AIR SERVICE
LICENSE, THE MINISTER OF CIVIL AVIATION HAS TAKEN THE
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OPPORTUNITY TO UPDATE AND CHANGE ITS FORMAT. THE LICENSE,

WHICH INCORPORATES LAST YEAR'S AMENDMENT, DISTINGUISHES CLEARLY BETWEEN THE FILING OF TARIFFS WITH THE SECRETARY FOR TRANSPORT AND THEIR APPROVAL BY THE MINISTER OF CIVIL AVIATION.

"AS IN PREVIOUS LICENSES THE ROUTES, FREQUENCY AND AIRCRAFT TYPE ARE SPELT OUT AND REFLECT THE ACTUAL OPERATIONS OF PAN AMERICAN. IN ACCORDANCE WITH PAN AMERICAN'S FILING, PROVISION HAS BEEN MADE FOR THE INTRODUCTION OF B747 SERVICES. HOWEVER, THE PROPOSED CHANGE OF GAUGE OF SYDNEY PRECLUDES THE GRANT OF APPROVAL FOR THE SERVICE BEYOND SYDNEY TO DENPASAR AND HONG KONG. IN OUR VIEW THE CHANGE OF GAUGE AT SYDNEY INDICATES THE COMMENCEMENT OF A SEPARATE SERVICE BEYOND SYDNEY TO HONG KONG WHICH IS UNRELATED TO THE SERVICES PROVIDED UNDER THE NEW ZEALAND - UNITED STATES AIR TRANSPORT AGREEMENT.

"WHILST IT IS RECOGNISED THAT THE DESIGNATED AIRLINE OF THE UNITED STATES HAS THE RIGHT TO OPERATE THROUGH NEW ZEALAND TO AUSTRALIA AND BEYOND IT MAY DO SO ONLY IF THE SERVICE IN QUESTION STARTS OR TERMINATES IN THE UNITED STATES. AS THE B707 SERVICE BETWEEN HONG KONG AND SYDNEY DOES NEITHER, IT DOES NOT FALL WITHIN THE TERMS OF THE BILATERAL. MOREOVER, AS THIS SERVICE DOES NOT TOUCH NEW ZEALAND IT CANNOT COME WITHIN THE PROVISIONS OF THE INTERNATIONAL AIR SERVICES LICENSING ACT 1947 AND THE MINISTER OF CIVIL AVIATION HAS NO JURISDICTION OVER THE LATTER AND CANNOT THEREFORE LICENSE THE SERVICE. WE ARE AWARE THAT PAN AMERICAN CURRENTLY OPERATES BEYOND SYDNEY TO HONG KONG WITHOUT REFERENCE TO THE NEW ZEALAND - UNITED STATES BILATERAL OR TO ITS INTERNATIONAL AIR SERVICE LICENSE. THE OMISSION OF THIS SERVICE FROM THE LICENSE WILL THEREFORE NOT AFFECT ITS OPERATION WHICH WILL, NO DOUBT, CONTINUE AS BEFORE UNDER OTHER ARRANGEMENTS."

2. PAN AM'S NEW INTERNATIONAL AIR SERVICE LICENSE IS BEING SENT IN APRIL 15 UNCLASSIFIED AIR POUCH.

3. MR. MORGAN IS ALSO SENDING TEXT TO PAN AM NEW YORK.
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4. MORGAN ADVISED E/C COUNSELOR THAT HE HAD WRITTEN ON MARCH 9 TO GNZ CIVAV PROPOSING LANGUAGE COVERING THE JOINING OF SAN FRANCISCO AND LOS ANGELES AS A COMMON TRANSFER POINT (SEE REFTTEL B). HE WAS ADVISED THIS HAD BEEN REFERRED TO THE UK WITH A FAVORABLE RECOMMENDATION. THE CONTROLLER OF AIR SERVICES POLICY, F. NORTON, WROTE MORGAN ON APRIL 6 THAT ACTION ON DESIGNATION OF HONOLULU AS AN ON-LINE TRANSFER POINT WAS BEING DEFERRED

PENDING RECEIPT OF PAN AM'S RESCHEDULING REQUIREMENTS. OTHER THAN THE REFERENCE IN THE APRIL 9 EDWARDS LETTER QUOTED ABOVE MORGAN HAS RECEIVED NO REPLY TO THE FILING HE MADE ON APRIL 1 GIVING CONNECTIONS FOR INCLUSION OF AUCKLAND-HONG KONG SERVICE. MORGAN SUSPECTS THAT THIS FAILURE OF GNZ CIVAV TO BE MORE FORTHCOMING MAY PORTEND A CHANGE IN GNZ POSITION.

5. E/C COUNSELOR SPOKE BRIEFLY TO EDWARDS ON APRIL 9 OF CONTINUING USG INTEREST IN MATTER.
SELDEN

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